

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13CV703-GCM

FMW/MJH AT 2604 HILLSBOROUGH)
LLC,)
)
Plaintiff,)
)
Vs.)
)
WSA CONSTRUCTION, LLC,)
ORLANDO CABALLERO d/b/a OC)
DRYWALL & STUCCO, et al.,)
)
Defendants.)
_____)

ORDER

This matter is before the Court upon its own motion. The Court entered an Order on February 15, 2017 directing all remaining parties to confer and submit a proposed discovery plan within 15 days. The Order stated that any Defendant with claims against the Plaintiff or against any other Defendant who does not participate in the proposed discovery plan is subject to being dismissed for failure to prosecute. Only Defendant Orlando Caballero d/b/a OC Drywall & Stucco conferred with the Plaintiff and submitted a proposed discovery plan as directed by the Court. On March 8, 2017, in an abundance of caution, the Court entered another Order directing all other remaining Defendants with claims against the Plaintiff or against any other Defendant to show cause in writing within ten days as to why their claims should not be dismissed for failure to prosecute. No Defendant responded.

Accordingly, the Court hereby dismisses any counterclaims and/or crossclaims of the following Defendants for failure to prosecute: Associated Fire Protection, Inc., Sunbelt Rentals, Inc., E T Sales, Inc., JRF Mechanical, Inc., Raleigh Waterproofing, Inc., WSA Construction, LLC, Elite Flooring & Design, Inc., Zocam Plumbing, Inc., and Cregger Company, Inc.

IT IS SO ORDERED.

Signed: March 29, 2017

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

